



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/596,708  | 06/22/2006  | Jean-Benoit Pina     | FR030169            | 9783             |
| 24737 7590 04/29/2010<br>PHILIPS INTELLECTUAL PROPERTY & STANDARDS<br>P.O. BOX 3001<br>BRIARCLIFF MANOR, NY 10510 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| FEATHERSTONE, MARK D  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2423  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 04/29/2010  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,708

**Applicant(s)**

PINA, JEAN-BENOIT

**Examiner**

MARK D. FEATHERSTONE

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections***

Claims 5-6 are objected to under 37 CFR 1.75 as being substantial duplicates of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels for the control device, the gateway, and the media playback device as described in the specification (items 1, and 3-4). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to

show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mano et al, US PG Pub # 20020057892, hereinafter Mano, in view of Daniels, US PG Pub # 20020087981, hereinafter Daniels.

With regard to claim 1, Mano discloses a home network (fig. 1, home network connected with 1394) comprising:

a gateway device comprising audio/video reception means to receive audio/video streams from a communication medium and audio/video transmission means to transmit said received audio/video streams to the home network (fig. 1, item 10/11 TV/STB; paragraph [0013], a device can record a video broadcast (corresponding to a communication medium); paragraph [0022],

an isochronous recording channel established over IEEE 1394 serial bus network (home network) between the television and the computer system for transmission of packets to be stored)

a media center device having storage means for storing said audio/video streams received from the gateway device and audio/video re-transmission means to re-transmit said stored audio/video streams to the home network (fig. 1, item 14; fig. 2, item 32 mass storage device; paragraph [0023], the mass storage 32 receives the transmission of packets from TV 10 through the IEEE 1394 network; fig. 2, item 42 and paragraph [0023], the packets can be transmitted back to the TV 10 via the 1394 network),

a control device comprising means for streaming audio/video streams received from the home network (fig. 1, item 14 and paragraph [0023], computer to stream packets to the TV 10 via the 1394 network), said control device further comprising time-shifting means paragraph [0026], pause, fast forward, rewind functions when viewing the packets), and for retrieving said recorded audio/video streams from the media center device upon resuming the streaming of audio/video streams on said control device (paragraph [0023], the program is retrieved from the mass storage unit and played back to the viewer, whom can use time-shifting means to pause and then resume receiving the packets.

Mano fails to specifically disclose means for triggering the recording on the media center device of audio/video streams transmitted by the gateway device to the home network upon stopping the streaming of said transmitted

audio/video streams on said control device. In an analogous art, Daniels describes a system to record programming upon the reception of a pause command (abstract, the pause command being generated when a user selects a hyperlink). In an embodiment of the invention described in paragraph [0036], a user can be watching a program and decide to watch another program. The user pauses the first program and this program is recorded so that the user can come back to the program if desired at a later time in a time-shifted manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the teaching of Daniels to automatically record a paused program to the system of Mano which allows a user to watch a program in a time-shifted manner from a central recording device, with the advantage of automatically recording the first program so that a user will not miss a portion of it, as explained by Daniels (paragraph [0036]).

Claims 5-7 contain limitations that correspond to claim 1, and are analyzed and rejected accordingly.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mano in view of Daniels, in view of Bodlaender, WO 2004077207, hereinafter Bodlaender, in further view of Kang et al, WO 03107597, hereinafter Kang.

With regard to claim 2, Mano in view of Daniels discloses the limitations that correspond to claim 1 however fails to specifically disclose the use of UPnP MediaServer and UPnP MediaRenderer to manage the sending/receiving and storage of the content. In an analogous art, Bodlaender discloses a home media

network that includes a server, renderer, and a control point. These components support the storage and transfer protocol and data format for transferring the media between renderer units and storage units (Bodlaender, page 3, line 20 - page 4, line 12). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Bodlaender to use UPnP MediaServer and UPnP MediaRenderer to the home network system of Mano in view of Daniels in order to perform the most common task that end-users want to perform today, which is to render individual items of content on a specific rendering device (Bodlaender, page 3, line 20-22) using the known standards of UPnP MediaServer and UPnP MediaRenderer).

Mano in view of Daniels in further view of Bodlaender discloses the time-shifting of a program, (as discussed in the claim 1 rejection), however fails to specifically disclose a UPnP PAUSE command and a UPnP PLAY command which are used to pause and play the content by the user. In an analogous art, Kang discloses a similar UPnP system which allows a user in a home network share content (abstract). On page 5, line 13-16, Mano discloses the use of a UPnP PLAY and PAUSE command being sent by a user when experiencing the media content. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Kang of a UPnP PAUSE and PLAY command to the home network system of Mano in view of Daniels and Bodlaender with the predicted results of the play and pause commands being compatible with the UPnP protocol of the system.

With regard to claims 3-4, Mano, Daniels, Bodlaender, and Kang discloses the home network of claim 2, including the use of the MediaServer and MediaRenderer to store and play programs. Daniels further discloses wherein said predetermined file is a circular buffer, the position wherefrom said audio/video streams are read by said MediaServer service of said media center being backward shifted with respect to the position whereto said audio/video streams are stored by said MediaRenderer service of said media center by a time shift period corresponding to the period of time between the reception of said subsequent PAUSE and PLAY commands by said media center (paragraph [0021], when a program is paused, the time-shifting of the recording of the programming begins, corresponding to being backward shifted with respect to the position the streams are stored, by the period of time when the pause is implemented to the present time (equal to a predefined reference time period as described in claim 4); paragraph [0036], subsequent pause and play commands can be received for other programs and they will be stored accordingly). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further combine the teaching of Daniels to the system to enable the recording with respect to the time the user pauses the program and to enable subsequent recording of separate programs so that the user does not miss any of the programming (Daniels, paragraph [0036]).

**Contact**



Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571) 270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423